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International Reference No.

PCT/EP03/02368

PROVISIONAL INTERNATIONAL REPORT OF EXAMINATION

I. Basis for the Report

1. Regarding the **components** of the international application (*substitute pages, which were submitted to the Patent Office in response to a request pursuant to Article 14, are considered within the framework of this report as "originally filed"*, and are not enclosed with the report, since they do not include any revisions. (Rules 70.16 and 70.17)):

Specification, pages:

1-5 original version

Patent Claims, no.:

1-10 received on 6/17/04 with letter dated 6/9/04

Drawings, pages:

1/1 original version

V. Substantiated Determination According to Article 35(2) with Respect to Novelty, Inventive Activity, and Industrial Applicability; Documents and Clarifications in Support of this Determination

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1. DETERMINATION

Novelty	Claims 1-10	YES
	Claims	NO
Inventive	Claims	YES
Step	Claims 1-10	NO
Industrial	Claims 1-10	YES
Applicability	Claims	NO

2. Documents and Clarifications

See supplemental sheet.

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SUPPLEMENTAL SHEET

Re Section V

The following documents are referred to:

D1: EP-A-0 304 257 (MCGREGOR THOMAS ;WEMYSS GEORGE A (GB))

February 22, 1989 (2/22/1989)

D2: US-A-4 449 238 (LEE BYUNG H ET AL) May 15, 1984
(5/15/1984)

1. The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claim 1 is not based on an inventive step in the sense of Article 33 (3) PCT.

In conformance with the features of Claim 1, document D1 (the references in parentheses relate to this document), which is regarded as the closest related art, discloses

a communications device (column 1, lines 30-45, "voice enhancer system") for transmitting acoustic signals (column 3, lines 55-63, "speech") in a motor vehicle (column 1, lines 30-45, "motor vehicle," Fig. 1 and 2, "car 1," "taxi 21").

The communications device described in D1 includes (column 3, lines 1-54 and column 5, line 48 through column 6, line 42)
- at least two transmitting devices (Fig. 2 and "front/rear microphones 6, 9" and "amplifier/electrical conditioning units 8, 11," see also Fig. 5 and 6 and "microphones 26, 29" and "amplifier/electrical conditioning units 28, 31," "microphones and loudspeakers are connected via an amplifier/electrical conditioning unit") and
- at least two receiving devices ("rear/front loudspeakers 7, 10," see also Fig. 5 and 6 and "loudspeakers 27, 30")

for transmitting and emitting acoustic signals (column 3, lines 55-63, "speech"), where, in each instance, at least one transmitting device ("microphone") and one receiving device ("loudspeaker") are assigned to a spatial position (column 2, lines 6-21, "favorable acoustic positions").

In addition, this communications device includes (column 3, lines 43-47 and column 6, line 8 through column 7, line 7) - a control unit ("switching unit 12") for activating or deactivating at least the transmitting devices ("amplifier/electrical conditioning units," column 1, lines 30-45, "the system further comprises a switching unit for selectively activating the amplifier/electrical conditioning units," and column 3, lines 43-47, "a logical switching unit is provided between the units 8 and 11 to select which system, front-to-rear or rear-to-front is active"), the control unit being assigned at least one control element ("on/off switch," "latch switch 24," "push-button 25"), by which at least one transmitting device ("amplifier/electrical conditioning unit") may be selectively deactivated independently of the applied signal level (column 6, line 8 through column 7, line 7, "latch switch 24 [...] to switch the preamplifier 28a off," "a make-to-speak push button 25 to switch the preamplifier on").

The communications device claimed in Claim 1 differs from the device disclosed in D1 in that

- the signal levels of at least one transmitting device are weighted by the control element; and
- with the aid of the control unit, the signal levels at the transmitting devices are detectable and, in each instance, only the transmitting device having the highest signal level is activated.

In view of these differences, the device of the present invention achieves the object of switching over a transmitting device not only purely mechanically, but also automatically.

This object is achieved in document D2 (column 2, lines 22-36), which also shows a device similar to the device disclosed in D1.

Document D2 discloses, in particular, (column 2, lines 32-66 and column 5, line 24 through column 6, line 44) a communications device ("voice-actuated switching system"), which includes a control unit and (Fig. 1 and 2, "Central Processing Unit (CPU) 65") transmitting devices ("microphones") and receiving devices ("loudspeaker"). The control unit ("CPU") is assigned a control element ("microphone control unit 20"), by which at least one transmitting device may be selectively deactivated ("off state," "the microphone control unit 20 controls the selected, mixed [...] and off states of the [...] microphone channels").

In the communications device described in D2 (column 2, lines 30-55),

- a) the signal levels ("output signal levels from each of the microphones") of at least one transmitting device are weighted ("mixed state," "those microphones [...] have their outputs attenuated before [...]") by the control element ("microphone control unit 20"); and
- b) with the aid of the control unit ("CPU"), the signal levels at the transmitting devices ("output signal levels from each of the microphones") are detectable and, in each instance, only the transmitting device having the highest signal level is activated ("the microphone with the greatest output at any given time is considered in the selected state").

Since the automation of a known, manual method is an object, which does not go beyond normal, further technological development, and since in document D2, this object is achieved

with the aid of a device similar to the device disclosed in D1, it would be possible for one skilled in the art to easily apply the device features known from document D2 to a device according to D1 to the same effect, in order to arrive, in this manner, at a device according to Claim 1 without an inventive step.

Therefore, the subject matter of Claim 1 is not based on an inventive step (Article 33(3) PCT).

2. The dependent claims do not include any features that, in combination with the features of any claim to which they relate, satisfy the requirements of the PCT with regard to novelty and inventive activity. The reasons for this are as follows:

The features of Claims 2, 3, 4, 7, 9, and 10 are inferable from D1 (see column 3, lines 1-54 and column 5, line 48 through column 6, line 42), and the features of Claims 5 and 8 are inferable from D2 (see column 2, lines 32-66 and column 5, line 24 through column 6, line 44). The feature of Claim 6 is already known in such communications devices.